

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jackie Manginelli	Team: Squad #10	CCRB Case #: 202004301	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:56 PM, Thursday, 06/04/2020 7:56 PM, Tuesday, 01/26/2021 10:23 AM	Location of Incident: East 136th Street and Brook Avenue, East 137th Street and Brook Avenue, and 100 Church Street		18 Mo. SOL 5/4/2022		Precinct: 40
Date/Time CV Reported Mon, 06/15/2020 2:42 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/15/2020 2:42 PM		

[illegible]

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POM Antony Stevens	25283	935789	SRG 4
4. POM Stephen Centore	31854	936328	DIS CTL
5. SGT Steven Counihan	4669	952620	PSA 7
6. LT Adam Mellusi	00000	931825	SRG 2
7. CPT Isaac Soberal	00000	943830	040 PCT
8. LT Eric Dym	00000	933762	PSA 7
9. POM John Migliaccio	25698	964169	PSA 7
10. POM Malik Mccloud	30082	954114	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Casean Murray	9941	955243	SRG 2
2. POM Thomas Mosher	02905	949371	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
3. POM Leonel Giron	21368	959658	SRG 1
4. POM Anthony Perez	13493	952104	SRG 1
5. CPT Joseph Taylor	00000	924542	SRG 3
6. DC John Dadamo	00000	913627	SRG
7. POM Miguel Gutierrez	07436	926918	DIS CTL
8. SGT Sindy Sanchez	00546	939761	SRG 2
9. POM Thomas Pecorella	09542	947959	DIS CTL
10. POM Sylburn Peterkin	04259	967648	PSA 7
11. POM Xavier Morales	27790	941087	DIS CTL
12. POM Manuel Bordoy	00323	948686	SRG 2
13. POM Beau Fesmire	31913	954806	DIS CTL
14. POM Kendall Austin	04447	950032	SRG 2
15. POM Derek Bruno	16445	952504	SRG 2
16. POM Eduardo Mejia	10215	960929	SRG 1
17. POM Rudolph Rosado	09497	949910	DIS CTL
18. POM Paul Rau	28460	944156	SRG 2
19. POM Matthew Obrien	19663	937549	DIS CTL
20. POM Mauricio Thomas	26957	945466	SRG 2
21. POM Jason Brown	25414	950109	DIS CTL
22. POM Michael Sheehan	09074	951242	040 PCT
23. POM Dennis Gannon	23133	947015	SRG 2
24. POM Jorge Santiago	22110	958054	SRG 2
25. POM Bryan Wilson	10392	942712	SRG 2
26. POM Anthony Polanco	11613	951068	SRG 2
27. POM Orvin Feliciano	22257	942855	SRG 2
28. SGT Christophe Zappoli	00646	940887	SRG 2
29. POM Harry Kerr	22551	962522	SRG 2
30. POM Michael Ashford	04887	954506	SRG 2
31. SGT Iran Lopezmaceda	01652	928666	SRG 2
32. POM Omar Tejada	11809	956296	SRG 2
33. POM Joel Martinez	15116	950829	SRG 2
34. POM Erik Green	27395	936697	DIS CTL
35. SGT Christophe Catalano	05240	936323	SRG 1
36. POM Julio Veras	18693	959343	SRG 2
37. POM Kenneth Scarola	18017	937503	SRG 1
38. POM Joseph Petrino	22377	951051	SRG 2
39. POM Gregory Reisert	14672	957077	SRG 1
40. POM Jarvis Onabanjo	20933	959010	SRG 1
41. POM Hugo Batista	02386	952449	SRG 2
42. POM Granit Shaba	21077	963269	SRG 1
43. CPT David Miller	00000	911741	DIS CTL
44. POM Nicholas Rios	06583	955377	PSA 7
45. AC Kenneth Lehr	00000	891719	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
46. COD Terence Monahan	00000	876747	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A . LT Adam Mellusi	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Adam Mellusi hit § 87(2)(b) against an object.	
B . LT Adam Mellusi	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Adam Mellusi hit individuals against an object.	
C . LT Eric Dym	Abuse: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym damaged an individual's property.	
D . SGT Steven Counihan	Abuse: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Sergeant Steven Counihan damaged an individual's property.	
E . POM John Migliaccio	Abuse: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer John Migliaccio damaged an individual's property.	
F . POM Malik Mccloud	Abuse: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer Malik McCloud damaged an individual's property.	
G . LT Eric Dym	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym struck individuals with a baton.	
H . LT Eric Dym	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym struck § 87(2)(b) with a baton.	
I . SGT Steven Counihan	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Sergeant Steven Counihan struck individuals with a baton.	
J . POM John Migliaccio	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer John Migliaccio struck individuals with a baton.	
K . POM Malik Mccloud	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer Malik McCloud struck individuals with a baton.	
L . CPT Isaac Soberal	Force: On June 4, 2020, in the vicinity of 136th Street in the Bronx, Captain Isaac Soberal struck an individual with a baton.	
M . LT Eric Dym	Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym used physical force against § 87(2)(b)	
N . POM Stephen Centore	Discourtesy: On June 4, 2020, in the vicinity of 136th Street in the Bronx, Police Officer Stephen Centore acted discourteously toward an individual.	
O . POM Antony Stevens	Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer Antony Stevens spoke discourteously to an individual.	
P . An officer	Abuse: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
Q . Officers	Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, officers acted discourteously toward individuals by eating their food.	
R . An officer	Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer spoke discourteously to an individual.	
S . An officer	Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)	
T . Officers	Force: On June 4, 2020, in the vicinity of 137th Street and Brook Avenue in the Bronx, officers used physical force against an individual.	
U . LT Eric Dym	Untruthful Stmt.: On January 26, 2021, at 100 Church Street in Manhattan, Lieutenant Eric Dym provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)		
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§ 87(2)(g), § 87(4-b)		

Case Summary

On June 15, 2020, § 87(2)(b) filed this complaint with the CCRB online.

On June 4, 2020, at approximately 7:56 p.m., in the vicinity of 136th Street and Brook Avenue in the Bronx, § 87(2)(b) was protesting police brutality with at least one hundred additional individuals. Numerous officers from SRG commands formed a “fence line” with their bicycles along 136th Street, blocking the protesters from moving onto Brook Avenue. The officers, including PO Antony Stevens of SRG4, under the supervision of Lieutenant Adam Mellusi, of SRG 2, picked up their bikes, pushed them forward into the crowd, hit individuals including § 87(2)(b) and put their bikes down (**Allegations A and B: Force (Hit against inanimate object):** § 87(2)(g)). Lieutenant Eric Dym, Sergeant Steven Counihan, PO John Migliaccio, all of PSA 7, as well as PO Malik McCloud of the 40th Precinct, climbed on top of a civilian’s vehicle on the street, causing damage to the vehicle’s windshield, and began swinging their batons and hitting protesters within the crowd, including § 87(2)(b) and § 87(2)(b) (**Allegations C, D, E, and F—Abuse of Authority (Property Damage):** § 87(2)(g)). **Allegation G, I, J, and K—Force (Nightstick as club):** § 87(2)(g). During this action, Lieutenant Dym also allegedly struck § 87(2)(b) with a baton **Allegation H —Abuse of Authority —Force (Nightstick as club):** § 87(2)(g). Captain Isaac Soberal, of the 40th Precinct, approached a woman who was standing on the sidewalk and pushed her in the chest using his baton causing her to fall to the ground (**Allegation L—Force:** § 87(2)(g)). Lieutenant Dym pushed § 87(2)(b) on his back towards another officer who handcuffed him (**Allegation M—Force (push):** § 87(2)(g)). A protester in handcuffs asked PO Centore to adjust her mask and he took her mask and put it over her eyes (**Allegation N—Discourtesy (Action):** § 87(2)(g)). PO Stevens said to a protester, “How many cops you told to suck a dick?” (**Allegation O—Discourtesy (Word):** § 87(2)(g)). An officer allegedly asked § 87(2)(b) “Do you want to get arrested too?” (**Allegation P—Abuse of Authority (Threat of arrest):** § 87(2)(g)). Officers allegedly took protesters food and water from the ground and ate it in front of them while they were handcuffed (**Allegations Q—Discourtesy (Action):** § 87(2)(g)). An officer allegedly said, “You all want to act like fucking fools” (**Allegation R—Discourtesy (Word):** § 87(2)(g)). An officer allegedly approached § 87(2)(b) and said, “Where the fuck are you going?” (**Allegation S—Discourtesy (Word):** § 87(2)(g)). Officers ran in the direction of 137th Street and Brook Avenue and tackled a man to the ground (**Allegations T—Force:** § 87(2)(g)). During his CCRB interview on January 26, 2021, at approximately 10:03 a.m., at 100 Church Street in Manhattan, 10th Floor, Lieutenant Dym made a false official statement to the CCRB (**Allegation U—Untruthful Statement: False official statement:** § 87(2)(g), § 87(4-b)).

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) submitted a cellphone video to the investigation (**Board Reviews 29-30**). § 87(2)(b) submitted a cellphone video to the investigation (**Board Reviews 31-32**). He also submitted two additional cellphone videos that he found online to the investigation entitled, § 87(2)(b) and § 87(2)(b) (**Board Reviews 33-34, 50-51**). § 87(2)(b) submitted a cellphone video to the investigation (**Board Reviews 35-36**). § 87(2)(b) an attorney for § 87(2)(b) for CCRB Case No. § 87(2)(b) submitted a cellphone video to the investigation (**Board Reviews 48-49**). Fifty body-worn camera videos were obtained by the investigation (**Board Review 37**). PO Stevens, PO Centore, and PO Morales’s body-worn cameras will be discussed in more detail (**Board Reviews 38-40**). Security footage was obtained from the Mott Haven Academy

Charter School (**Board Review 41**).

Allegations pertaining to overall command and control decisions including force used to detain or “kettle” protesters were investigated under CCRB case number 202006855.

Findings and Recommendations

Allegation (A) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Adam Mellusi hit § 87(2)(b) against an object.

Allegation (B) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Adam Mellusi hit individuals against an object.

§ 87(2)(b) provided a brief phone statement on June 23, 2020 and was interviewed over the phone on June 23, 2020 (**Board Review 01-02**). § 87(2)(b) provided a brief phone statement on June 22, 2020 and was interviewed over the phone on June 23, 2020 (**Board Review 03-04**). § 87(2)(b) provided a brief phone statement on June 25, 2020 and was interviewed over the phone on June 26, 2020 (**Board Review 05-06**). § 87(2)(b) provided a brief phone statement on July 13, 2020 and was interviewed over the phone on July 15, 2020 (**Board Review 07-08**). § 87(2)(b) provided a brief phone statement on July 13, 2020 and was interviewed over the phone on July 15, 2020 (**Board Review 09-10**). § 87(2)(b) provided a brief phone statement on July 24, 2020 and was interviewed over the phone on July 28, 2020 (**Board Review 11-12**). § 87(2)(b) provided a brief phone statement on July 16, 2020 and was interviewed over the phone on August 3, 2020 (**Board Review 13-14**). § 87(2)(b) provided a brief phone statement on July 15, 2020 (**Board Review 15**). § 87(2)(b) provided a brief phone statement on July 16, 2020 (**Board Review 16**). § 87(2)(b) provided a brief phone statement on July 14, 2020 (**Board Review 17**). § 87(2)(b) was interviewed remotely over MS Teams on February 5, 2021 for CCRB Case No. § 87(2)(b) (**Board Review 18**). § 87(2)(b) was interviewed remotely over MS Teams on March 15, 2021, for CCRB Case No. § 87(2)(b) (**Board Review 19**).

Lieutenant Mellusi was interviewed remotely over MS Teams on October 13, 2020 (**Board Review 20**). PO Stevens was interviewed at the CCRB on October 16, 2020 (**Board Review 21**). PO Morales was interviewed at the CCRB on October 21, 2020 (**Board Review 22**). Sergeant Counihan was interviewed at the CCRB on November 9, 2020 (**Board Review 23**). PO Centore was interviewed remotely over MS Teams on December 22, 2020 (**Board Review 24**). Captain Miller was interviewed remotely over MS Teams on January 13, 2021 (**Board Review 25**). Lieutenant Dym was interviewed remotely over MS Teams on January 26, 2021 (**Board Review 26**). Captain Soboral was interviewed remotely over MS Teams on February 20, 2021 (**Board Review 27**). PO Migliaccio was interviewed remotely over MS Teams on February 3, 2021 (**Board Review 28**). PO McCloud was interviewed remotely over MS Teams on June 15, 2021 (**Board Review 71**).

§ 87(2)(b) faced the police officers who were blocking the protesters with their bicycles. § 87(2)(b) saw the police officer directly in front of him, PO Stevens, give an order to the other officers with bicycles, to hit the protesters with their bicycles. Without warning, the officers raised their bicycles above their heads and rammed them into the protesters. PO Stevens hit § 87(2)(b) with the side of his bike two times. He was hit in his upper body in the chest area and in his lower-right armpit area with the frame and pedals of the bike. His lower-right armpit area was sore. He did not sustain any bruises or other injuries from being hit with the bike.

PO Stevens formed a mobile fence line with other officers on bikes, but did not know why. A mobile fence line is when officers make a temporary barrier with their bicycles from tire to tire with

their bicycles forming a line across the entirety of a street. The protesters pushed the officers with their hands to try to break the barrier. PO Stevens did not remember getting pushed when he first formed the mobile fence line. Officers on his left were being pushed by protesters but he did not know who the officers were. PO Stevens did not recall any of the protesters breaking through the mobile fence line at that point. PO Stevens did not know if there were officers behind the protesters at that point. PO Stevens could not see the rear of the crowd from the fence line because there were hundreds of people in front of him. He could not see how far back the crowd was on the street. PO Stevens did not remember if a message about the curfew played over a loudspeaker or over the LRAD system during this protest. All the officers on bikes picked their bikes up chest high, pushed them out and forward, and placed them back on the ground two times in unison while yelling, “Move Back!” While doing this, PO Stevens’ bicycle hit the person standing in front of him two times in the chest area. They were trained this way at the SRG bike training. No supervisor on scene told PO Stevens to tell the other officers to push the crowd with their bikes. PO Stevens made the decision to have the officers do this because they were being pushed.

Lieutenant Mellusi explained that bicycle officers were trained to pick up their bicycle to chest level, push it forward, and then put it down. This is used to push civilians back and so the officers can move forward. Officers used this tactic multiple times during this incident, but Lieutenant Mellusi did not recall the specific times. He did not give the order to use this tactic, as it is something officers do independently when protesters get too close to them. Sometimes all the fence-line officers did a bicycle-push together, and sometimes an individual officer or subset of officers did it to maintain a bending or moving fence-line. Lieutenant Mellusi had deputized or pre-authorized some of his subordinate officers to give the order to simultaneously push the fence-line forward with bicycles on his behalf because he trusts their training and experience. He did not specify who he deputized to give these orders. He was sure that an officer gave such an order during this incident but did not know who it was.

A cellphone video submitted by § 87(2)(b) to the investigation and found in IA 69 captured this portion of the incident in its entirety (**Board Reviews 29-30**). At 01:16, the crowd is standing in front of the officers, who have their bikes on the ground. The crowd does not appear to be moving. a black female in a black t-shirt and a yellow bandanna appears to yell, “We got them boxed in!” She is then handed a megaphone and repeats, “Let’s go! We got them boxed in.” A few other protesters stand near the woman with the megaphone. Following this announcement, several protestors wearing black helmets of various types appear to walk into the bike officers whose line appears to shake. It is not clear whether any officers push any protesters with their hands. The officers appear to look around and brace to prevent the crowd from moving further. At 01:37, a Black male officer wearing riot gear with a bike gives a command to the other officers who are holding bikes. He yells, “Mobile fence line one! Move the crowd!” All the officers at the same time pick up their bikes with both hands and raise them above their heads. They then push the protesters back with their bikes. § 87(2)(b) is hit with a bike by the officer who gave the command. While they are hitting protesters with their bikes, all of the officers yell, “Move back! Move back!”

PO Stevens’s body-worn camera footage captured this incident in its entirety (**Board Reviews 38 and 45**). The time stamp of the BWC at the time of the pushing is approximately two minutes prior to the Mayor’s 8 p.m. curfew going into effect. At 01:50, PO Stevens yells, “Mobile fence line one! Move the crowd!” PO Stevens picks up his bike and pushes it into a protester, § 87(2)(b) directly in front of him. Other officers are heard saying, “Move back!”

A cellphone video titled § 87(2)(b) submitted by § 87(2)(b) captures this portion of the incident (**Board Reviews 50-51**). At 03:45 captures protesters standing in front of the

bike officers. Some of the protesters are wearing helmets. It is not clear whether the protesters are pushing the officers. At 03:50 the officers pick up their bikes and push them into the crowd.

This allegation was pleaded against Lieutenant Mellusi and not PO Stevens as Lieutenant Mellusi acknowledged deputizing certain officers to instruct the bike line to push the crowd back when they felt protesters got too close or the mobile fence line was bending.

According to Patrol Guide Procedure 221-01 (**Board Review 42**), when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following: A. The nature and severity of the crime or circumstances, B. Actions taken by the subject, C. The duration of the action, D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, and J. Presence of a hostile crowd or agitators.

The cell phone footage of these allegations did show certain protesters wearing helmets and walking into the bike officers prior to PO Stevens ordering the line to push the crowd forward using their bikes. § 87(2)(g)

However, PO Stevens' instructions did not just result in force used against the individuals who walked into officers, but resulted in substantial and indiscriminate force used against the entire front of the crowd as the bike officers forcefully pushed their bikes into people across the line. As peaceful protesters were trapped between the bike officers and the large crowd directly behind them, there was no way for them to comply with the officers' instructions to move back. § 87(2)(g)

Allegation (C) Abuse of Authority: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym damaged an individual's property.

Allegation (D) Abuse of Authority: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Sergeant Steven Counihan damaged an individual's property.

Allegation (E) Abuse of Authority: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer John Migliaccio damaged an individual's property.

Allegation (F) Abuse of Authority: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue, Police Officer Malik McCloud damaged an individual's property.

Allegation (G) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym struck individuals with a baton.

Allegation (H) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym struck § 87(2)(b) with a baton.

Allegation (I) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Sergeant Steven Counihan struck individuals with a baton.

Allegation (J) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer John Migliaccio struck individuals with a baton.

Allegation (K) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer Malik McCloud struck individuals with a baton.

§ 87(2)(b) saw three officers in helmets, "riot gear," and blue uniforms climb onto the hoods of multiple cars and swing their batons towards the crowd of protesters. He did not recall any officer in a white uniform swinging his baton on top of the car. These officers struck § 87(2)(b) with their batons "a couple of times." He saw that § 87(2)(b) was struck by a baton by an officer on top

of the car but he did not recall which officer struck him. § 87(2)(b) thought he was unable to avoid being hit because they were not arresting anyone or letting anyone leave. § 87(2)(b) had enough, so when an officer swung his baton at him, he grabbed the officer's baton and both § 87(2)(b) and the officer fell to the ground.

§ 87(2)(b) faced a parked car that officers had climbed on top of. The officers on top of the car swung their batons "indiscriminately" while screaming "Get the fuck back!" and "Get on the ground!" § 87(2)(b) was interviewed as part of CCRB § 87(2)(b) which investigated the discourtesy allegation). Lieutenant Dym was kneeling on top of the car while pointing at people and swinging his baton at them. § 87(2)(b) then extended his arms sideways to prevent protesters from being struck by the officers. There was "a lot of shoving, pushing, and chaos" happening, and § 87(2)(b) was trying his best to avoid being "trampled." Several officers on top of the car struck § 87(2)(b) with batons on his arms and torso, but § 87(2)(b) did not know which officers struck him or how many times he was struck. He did not believe any officer struck his head.

§ 87(2)(b) saw multiple officers jump onto the hood of a civilian car and swing their batons down at protesters below them by rotating their batons in a semi-circular manner around their shoulder and downwards. The officers hit protesters with the entirety of their batons and poked protesters with the tip of their batons. The protesters did not do anything with their bodies because they were unable to move. The officers swung down on anyone who was around the vehicle. It looked like they were hitting protesters on their hands and elbows.

§ 87(2)(b) saw officers jump onto a car, hit people with their batons, while screaming, "Get back." The officers hit people all over their bodies and § 87(2)(b) saw a man get hit in the head with a baton causing him to bleed profusely from his head. There were protesters who were volunteering as medics, and the officers would not let the medics give the man medical attention. He was put on a police bus while still bleeding profusely from the head. The protesters asked the officers to provide the man with medical attention.

§ 87(2)(b) saw a police officer climb up onto the hood of a vehicle at the top-right hand corner of 136th Street, raise his baton above his head, and hit someone with it. § 87(2)(b) could not see where the officer was hitting the person or what the person looked like.

Contact attempts to § 87(2)(b)'s attorney were exhausted as part of case § 87(2)(b) and he was not available to the investigation. However, in his Notice of Claim (**BR 84 and 85**), his statement was generally consistent with the other victims and he noted that an officer, identified by the investigation as Lieutenant Dym, "attacked him" while on top of the car and swinging his baton at protesters.

Lieutenant Dym decided to get on top of the hood of a civilian's vehicle to see what was happening and to stop civilians from pushing into police officers. He was the first officer to climb on top of the car. He was approximately six to ten feet higher up than he was. Once he was on top of the car, he saw people throwing sticks, a wheelbarrow, food, and various unknown liquids. At one point, he saw a protester grab a uniformed officer's baton within the crowd and pull him around. He also saw one protester in the crowd digging for something in his pocket. Additional officers, including PO Migliaccio, climbed onto the car. He did not indicate to other officers to join him on the car. Lieutenant Dym swung his baton to create more distance, he did not swing it in order to hit people with it. He wanted to make more space so that he could get into the crowd safely. He did not know if he made contact with any individuals with his baton. He swung it from side to side and gave people directions to move out of the way. People were not complying with his directions to move. Lieutenant Dym did not know if the other officers on the car hit protesters with their batons. No one

tried to square up or knock Lieutenant Dym off the car. He did not know if people were making verbal threats because the crowd was so loud. The car was damaged from the officers getting on top of it. He did not know if the car was damaged prior to the officers climbing on top of it but he thought that it was possible because the car was so close to the crowd of protesters.

Sergeant Counihan went around to the side of the protest and got on top of a civilian's sedan that was parked on the street in order to get a better vantage point of the crowd to see who was throwing objects and striking officers. He got onto the hood of the vehicle and onto his knees. No one instructed him to get on top of the vehicle nor did he instruct any officers to get on the car with him. Sergeant Counihan did not receive any training about gaining a better vantage point for crowd control. He wanted to prevent the crowd from continuing to hit the SRG officers or identify people who were doing it to take them into custody. Officers were being hit right next to the vehicle. He did not know the affected officers or what the protesters looked like. Lieutenant Dym, PO Migliaccio, and possibly other officers, also got on top of the vehicle. Sergeant Counihan tried to get the crowd back by verbally screaming and telling them to get back. He swung his baton over his head. He did not remember how many times he swung his baton while on top of the car but thought that he swung it less than ten times. He did not recall if his baton made contact with anyone. The crowd did not comply and move back but was rather pushing forward. He did not recall if other officers were swinging their batons while on top of the car and whether the other officers' batons made contact with the protesters. An individual within the crowd grabbed Sergeant Counihan's baton and attempted to pull him off the car and into the crowd. Sergeant Counihan did not recall if he heard any of the protesters make threatening statements towards the officers. There was no damage to the car prior to the officers getting on top of the car. There was damage on the car after the officers got off, including a cracked windshield, but it was not from Sergeant Counihan. He did not know who damaged the car.

PO Migliaccio stated that officers, including himself, got on top of a civilian's car in the street and swung their batons down on the protesters in the crowd. PO Migliaccio got onto the hood of the car because he saw an SRG officer fall into the crowd onto his back and get dragged into the crowd by his baton which was on top of his chest. He did not remember if anyone asked him or told him to get on top of the car. PO Migliaccio needed to get a better vantage point to make sure that the SRG officer was not injured. The only way to get to the officer was to go over the car and get into the crowd. PO Migliaccio was not the first officer to get on top of the car. Other officers who were on top of the car had their batons and ankles grabbed while they were on top of the car. PO Migliaccio swung his baton as the crowd was approaching. He was not sure if he made physical contact with the individuals' hands, but he did not think that he did. He swung towards their hands so that they could not grab his ankles. People were not complying with his order to get back while he was swinging his baton. Once the officer was secured, PO Migliaccio got off the car. PO Migliaccio did not know if he damaged the car while he was on top of it and he did not recall if there was damage to the car prior to him getting on top of the car.

PO McCloud noticed that there were a few officers on top of a civilian's parked sedan. He saw that one of the officers on top of the car fell off the car and into the crowd. He thought there were at least two other officers on the car with the other officer who fell off. He went over to where the car was and decided to climb onto the hood and windshield of the car as well to render aid to the officer who fell off. No one instructed him to join them on the car. He observed the officer on the ground sitting up on the ground and a protester behind the officer attempting to take the baton out of his hand. There were protesters on the side of the car who PO McCloud instructed to move. They refused to move, so PO McCloud struck two white males lightly with his baton. He thought he tapped them with his baton by bringing it downwards from next to his face. He hit one of the individual's arms but did not remember where he hit the other individual. He decided to use his

baton while on the car because he thought it was the best tool to use at the time. PO McCloud was not able to get into the crowd and help the officer on the ground. He got off the car and as he was getting off the car part of the middle of the front windshield broke. Other parts of the windshield cracked as well from the other officers being on it. He did not know if there were any dents on the hood of the car or elsewhere on the car.

A cellphone video submitted by § 87(2)(b) captures this portion of the incident (**Board Review 31-32**). Beginning at 01:30, an officer is seen near a civilian car hitting protesters with his baton. Multiple officers, including Sergeant Counihan, Lieutenant Dym, PO McCloud get on top of a civilian car and begin swinging their batons at protesters from on top of the car.

A cellphone video submitted by § 87(2)(b) lawyer, § 87(2)(b) related to CCRB Case No. § 87(2)(b) captured this portion of the incident (**Board Review 48-49**). The video captures a car on 136th Street with Lieutenant Dym, Sergeant Counihan, and PO McCloud on top of the car and holding their batons at a ninety-degree angle next to their face. Lieutenant Dym and Sgt. Counihan are seen repeatedly swinging their batons down towards the crowd of protesters.

A cellphone video titled “Video 1” submitted by § 87(2)(b) captures this portion of the incident (**Board Review 35-36**). The video captures a car on the upper right hand-corner of the intersection of Brook Avenue and 136th Street. PO Migliaccio is seen standing on top of the vehicle while holding his baton in his right hand. It does not capture PO Migliaccio swinging his baton at the protesters within the crowd.

A cellphone video titled § 87(2)(b) submitted by § 87(2)(b) captures this portion of the incident (**Board Reviews 50-51**). At 06:50, Lieutenant Dym and Sergeant Counihan are seen on top of a civilian’s car holding their batons in their hands. At 07:00, PO McCloud gets onto the hood of the vehicle, holds his baton up as if preparing to swing.

In Onderdonk v. State, 170 Misc. 2d 155 (1996), the court ruled that police officers can damage property only if doing so is reasonably necessary to carry out their duties (**Board Review 43**).

According to Patrol Guide Procedure 221-01 (**Board Review 42**), when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following: A. The nature and severity of the crime or circumstances, B. Actions taken by the subject, C. The duration of the action, D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, and J. Presence of hostile crowd or agitators.

Contrary to Lieutenant Dym, Sergeant Counihan, and PO Migliaccio’s descriptions of the crowd being unruly, violent, and throwing various objects and liquids, the investigation determined that the group of protesters on 136th Street and Brook Avenue was largely peaceful and unable to leave the incident location due to the heavy police presence on both sides of the street. Because the crowd of protesters could not physically leave the location, they could not comply with the only command issued to them which was, “go that way.” Furthermore, while members of the crowd may have physically reacted when struck by the officers’ batons, these reactions were attempts to defend themselves from the baton strikes, which they could not move away from due to the police presence. Additionally, since these officers were hitting people with their batons from a higher vantage point there was concern for serious injury to protesters as head strikes would be less avoidable. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (L)—Force: On June 4, 2020, in the vicinity of 136th Street in the Bronx, Captain Isaac Soberal struck an individual with a baton.

§ 87(2)(b) stated that an officer, later identified by the investigation as Captain Soberal, was standing in between two cars where § 87(2)(b) was. Captain Soberal “baton-checked,” a woman who was wearing a green hat. He looked at her, she said something, and he “baton-checked” her. He put his baton sideways, holding it with both hands and parallel to his chest, and hit his baton into the woman’s chest. The woman fell backwards onto the ground.

Captain Soberal stated that he held each end of his baton in one hand, horizontally in front of his chest, and pushed his baton into the chest of a protestor, causing the protestor to fall backwards into another person standing nearby. The protestor and the person into whom the protestor fell did not appear to be injured. Because he had been injured at previous protests, he did not want any protestors within an arm’s length of himself or his fellow officers. Captain Soberal stated that this was a personal preference in the moment, not a guidance from any training. The protestor in question was standing chest-to-chest with an officer with a bicycle. Captain Soberal did not recall if this protestor said anything to the officer or was doing anything with her arms and legs. Captain Soberal told the protestor to get back at least once however, the protestor stood in place. Captain Soberal stated he did not recall how much time passed between when he gave this order and when he pushed the protestor but stated that, knowing himself, he would have given her enough time to comply. Captain Soberal did not have any further conversation with the protestor that he pushed and did not know if they requested any medical attention.

A cellphone video submitted by § 87(2)(b) (found in IA 96) captured this portion of the incident in its entirety (**Board Review 31-32**). At 03:49, Captain Soberal, who is wearing a white shirt, approaches a woman wearing green on the sidewalk. The woman is standing approximately five feet away from another officer in a blue uniform. Captain Soberal has his baton out and in front of him and is holding it with both hands. He appears to say something to the woman and motion forward with his baton. The woman appears to say something to him and has her hands low at each side. No conversation can be heard over the noise of the crowd. At 03:54, he approaches the woman and pushes her in the chest with his baton. The woman falls backward to the ground and protesters scream for a medic to assist her.

According to Patrol Guide Procedure 221-01 (**Board Review 42**), when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following: A. The nature and severity of the crime or circumstances, B. Actions taken by the subject, C. The duration of the action, D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, and H. Size, age, and condition of the subject in comparison to the MOS.

§ 87(2)(g)

§ 87(2)(g). The protester was standing by herself, did not possess any objects, and was smaller in stature than Captain Soberal. Furthermore, the video did not capture the protester assaulting or posing an immediate physical danger to any nearby officers.

§ 87(2)(g)

Allegation (M) Force: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Lieutenant Eric Dym used physical force against § 87(2)(b)

§ 87(2)(b) was standing on the sidewalk close to the intersection of Brook Avenue and 136th Street when Lieutenant Dym pushed him on his upper-back with both hands into another officer. The officer placed § 87(2)(b) into handcuffs and escorted him to the prisoner bus.

Lieutenant Dym did not mention to the investigation that he pushed individuals on their backs to place them under arrest.

A cellphone video submitted by § 87(2)(b) and found in IA 96 captured this portion of the incident in its entirety (**Board Review 31-32**). At 12:22, § 87(2)(b) is seen standing directly in front of § 87(2)(b). In this moment, Lieutenant Dym, wearing a helmet and a white shirt, is seen approaching § 87(2)(b). At 12:28, he is seen pushing § 87(2)(b) on his upper back in the direction of the intersection of 136th Street and Brook Avenue in the Bronx.

Mayoral Executive Order No. 119 dated June 2, 2020 orders a City-wide curfew to be in effect each day from 8:00 p.m. until 5:00 a.m., beginning at 8:00 p.m. on June 3, 2020 and ending at 5:00 a.m. on June 8, 2020. During this time, no persons or vehicles may be in public between the hours of 8:00 p.m. and 5:00 p.m. (**Board Review 47**).

According to Patrol Guide Procedure 221-01 (**Board Review 42**), when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following: A. The nature and severity of the crime or circumstances, B. Actions taken by the subject, C. The duration of the action, D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, E. Whether the subject is actively resisting custody, F. Whether the subject is attempting to evade arrest by flight, and J. Presence of a hostile crowd or agitators.

§ 87(2)(g)

Allegation (N) – Discourtesy: On June 4, 2020, in the vicinity of 136th Street in the Bronx, Police Officer Stephen Centore acted discourteously toward an individual.

This allegation was captured on PO Centore's body-worn camera footage and the victim was not identified.

PO Centore's body-worn camera footage captured this portion of the incident in its entirety (**Board Reviews 37, 39**). At 32:39, an officer wearing a yellow helmet says, "All under. Everyone's under." PO Centore walks to the south-west corner of 136th Street and Brook Avenue to continue helping with arrests. At 33:00, a protester asks for her mask to be pulled over her nose. PO Centore pulls it up in front of her eyes and the protester verbally complains. The video does not capture PO Centore ever fix the mask.

PO Centore stated that a female protester requested someone to adjust her mask so that it covered her nose. He unintentionally brought her mask above her eyes. He thought that the female moved her head down while he was moving her mask up which caused the mask to cover her eyes.

According to Patrol Guide Procedure 200-02, the NYPD must maintain a higher standard of integrity than is generally expected of others because so much is expected of them. They must also value human life, respect the dignity of each individual, and render their services with courtesy and civility (**Board Review 44**).

Although PO Centore believed that the woman whose mask he adjusted had moved her head as he was adjusting her mask, the investigation determined that at no point during PO Centore's body-worn camera video does the woman move her head while PO Centore is adjusting her mask on her face. Additionally, she cries out in confusion after PO Centore puts her mask above her eyes and PO Centore walks away from her and does not help her further. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (O) – Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, Police Officer Antony Stevens spoke discourteously to an individual.

This allegation was captured on PO Stevens's body-worn camera footage (**Board Review 37-38**).

PO Stevens's body-worn camera footage captured this portion of the incident in its entirety (**Board Reviews 38 and 45**). At 27:02, an officer is heard saying, "It's a curfew at 8:00, it's a fucking..." A protester is heard screaming at the officer. At 27:35, PO Stevens takes off his helmet. He coughs and puts it back on again. At 28:30, PO Stevens says to the protester, "How many cops you told to suck a dick?"

PO Stevens's body-worn camera was played at 28:25 until a phrase could be heard, "How many cops you told to suck their dick?" PO Stevens identified his voice as the one saying this comment. He was asking one of the detainees this comment. Someone said something to him, and he did not remember what it was, but it did not involve this phrase. The person was sitting on the ground in flex cuffs. PO Stevens said there was not a law enforcement reason to ask the question, but he wanted to know the answer. The person did not respond to him. The person did not tell PO Stevens to "suck his dick," but other protesters said this at some point during the incident.

According to Patrol Guide Procedure 200-02, the NYPD must maintain a higher standard of integrity than is generally expected of others because so much is expected of them. They must also value human life, respect the dignity of each individual, and render their services with courtesy and civility (**Board Review 44**).

PO Stevens acknowledged that he did not have a legitimate law enforcement reason for speaking discourteously to this individual, nor was he repeating discourteous language that the individual used. § 87(2)(g)

§ 87(2)(g)

Allegation (P) – Abuse of Authority: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer threatened to arrest § 87(2)(b)

Allegation (Q) – Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, officers acted discourteously toward individuals by eating their food.

Allegation (R) – Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer spoke discourteously to an individual.

Allegation (S) – Discourtesy: On June 4, 2020, in the vicinity of 136th Street and Brook Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (T) – Force: On June 4, 2020, in the vicinity of 137th Street and Brook Avenue in the Bronx, officers used physical force against an individual.

Known facts and general descriptions

Allegation (P):

§ 87(2)(b) saw that § 87(2)(b) was getting arrested. An officer on a bike approached § 87(2)(b) and said, “Do you want to get arrested too?” § 87(2)(b) told the officer that § 87(2)(b) was his boss. The officer said, “Well he is getting arrested, do you want to get arrested too?” § 87(2)(b) described the officer as a male, with fair skin, medium build, approximately 5’7” to 5’8” tall, with his shield covered, and on a bike.

Allegation (Q) and (R):

§ 87(2)(b) saw some officers taking the protesters food and water and eating it in front of them. The protesters that were still there yelled at the officers to stop eating their food. § 87(2)(b) described two officers having done this as both male, with tan skin tone, taller than 5’6”, muscular builds, and in uniform. After the arrested protesters were taken for police processing, § 87(2)(b) and § 87(2)(b) helped clean up the street with residents of the area. While they were cleaning the street, an officer said to a female protester who stayed behind to help clean the street, “All you people want to act like fucking fools, you want chaos.” § 87(2)(b) described the officer who said this as a male, Hispanic, with “slick hair” that was buzzed on both sides, stocky build, and approximately 5’7” tall.

§ 87(2)(b) stated that on 136th Street where protesters were flex cuffed and sitting, multiple officers ate the protesters food and drank their water. She did not see what these officers looked like from where she was standing.

Allegation (S):

The protest was over, and many protesters had been brought to Central Bookings for arrest processing. § 87(2)(b) walked towards § 87(2)(b) whom she worked for at the time, who was speaking with an unknown Captain in the vicinity of 136th Street and Brook Avenue. When § 87(2)(b) started walking towards them, an officer on a bicycle said, “Where the fuck

are you going?” § 87(2)(b) described this officer as male, white, approximately 5’11” tall, athletic build, wearing riot gear and a helmet.

Allegation (T):

§ 87(2)(b) saw a man standing on the corner of 137th Street and Brook Avenue right outside of a deli that appeared to be closed yelling at police officers. He was not part of the protest and was not physically violent. He asked why the officers were there and said, “Fuck you” to them. Officers were standing in the middle of Brook Avenue and would not allow anyone to cross the street. After referring to their video, they were able to see that at least three police officers lunged at the man and tackled him to the ground. The officers did not say anything to him before tackling him to the ground. One officer grabbed and pushed down his upper body and the two other officers got on top of him. § 87(2)(b) could not tell whether the man was put into any chokehold or if any additional force was used on him while he was on the ground. They could tell that the officers were kneeling on him very intensely but did not know where on his body they were kneeling on. He was lying angled face-down and on his side. § 87(2)(b) described three of the officers as males wearing helmets and riot gear.

BWC and Cellphone Footage

Allegations P, Q, R, and S were not captured on any received video footage.

Allegation (T):

A cellphone video obtained from § 87(2)(b) and titled, § 87(2)(b) captured this portion of the incident in its entirety (**Board Review 33-34**). At 00:12, an officer starts running towards someone on the sidewalk at Brook Avenue outside of “Deli Corp.” The person is wearing all blue. Multiple additional officers run towards the person as well. At 00:24, officers get out of a vehicle and run towards the person. An officer in a white shirt approaches § 87(2)(b) and tells them to back up. § 87(2)(b) moves up 137th Street towards Brown Place.

A cellphone video obtained from § 87(2)(b) captured this portion of the incident (**Board Reviews 52-53**). In the video numerous uniformed officers run in the direction of a group of officers huddled on the group outside of “Deli Corp.”

NYPD Documents Reviewed

The investigation obtained desk/unit copies of roll call and detail rosters for the following commands: Disorder Control, SRG1, Patrol Borough Bronx, and the 40th Precinct (**Board Reviews 54-58**).

Because of incomplete descriptions of the officers involved in these allegations, the investigation was unable to narrow down subject officers based on roll calls and detail rosters.

Concurrent Investigations

There are no ongoing concurrent investigations involving the subject officers pertaining to this case.

Ranking Officers

The highest-ranking officer present for this incident on June 4, 2020 was Chief of Department Terence Monahan who was interviewed as part of CCRB 202006855. Assistant Chief Kenneth Lehr was also present for this incident.

Officers Interviewed

Allegation (P):

PO Centore, PO McCloud, Lieutenant Dym, and Captain Miller all stated that they did not hear an officer threaten to arrest any individuals after the protest was over nor did they threaten to arrest anyone after this protest.

Allegation (Q):

PO Stevens, PO Morales, PO Migliaccio, PO McCloud, Lieutenant Mellusi, Lieutenant Dym, Captain Miller, and Captain Soberal all stated that they did not recall seeing officers eat people's food from the ground nor did any of them do this.

Allegation (R):

PO Stevens was not at the intersection of 137th Street and Brook Avenue, however, at one point he was in-between 136th and 137th Street. PO Stevens remembered several officers running in the direction of 137th Street and Brook Avenue. He did not recall if the bike officers were running towards this location. PO Stevens did not start running towards this location. He did not know what was happening at that location. PO Stevens did not ask anyone else what happened at that location. He did not recall if any officers that he knew ran in that direction.

PO Centore, PO Migliaccio, PO Morales, PO McCloud, Sergeant Counihan, Lieutenant Mellusi, Lieutenant Dym, Captain Miller, and Captain Soberal all did not recall officers running in the direction of 137th Street and Brook Avenue in the Bronx nor did any of them run in that direction and tackle an individual to the ground.

Allegation recitation and dispositions

§ 87(2)(g)

Allegation (U)—Untruthful Statement: On January 26, 2021, at 100 Church Street in Manhattan, Lieutenant Eric Dym provided a false official statement to the CCRB.

A 31 second cellphone video submitted by § 87(2)(b) lawyer, § 87(2)(b) related to CCRB Case No. § 87(2)(b) captured this portion of the incident (**Board Review 48-49**). The video captures a car on 136th Street with Lieutenant Dym, Sergeant Counihan, and PO McCloud on top of the car and holding their batons at a ninety-degree angle next to their face. At 00:10 Lieutenant Dym and Sergeant Counihan are seen repeatedly swinging their batons towards the crowd of protesters on 136th Street in the Bronx. At the conclusion of the video, two officers behind the car and on the sidewalk pull Lieutenant Dym off the car by his pants.

According to Patrol Guide Procedure 203-08, a false statement is an intentional statement that a member of service knows to be untrue, which is material to the outcome of the investigation, proceeding, or other matter in connection with which the statement is made (**Board Review 59**).

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Captain Soberal has been a member of service for fourteen years and this is the fifth CCRB complaint and ninth allegation for which he has been a subject. None of these allegations were substantiated. § 87(2)(g) [REDACTED]
- Lieutenant Mellusi has been a member of service for eighteen years and this is the third CCRB complaint and fifth allegation for which he has been a subject. § 87(2)(g) [REDACTED]
 - CCRB Case No. 202108548 involved allegations of discourtesy (word) and failure to prepare a memo book entry that was closed as substantiated and other misconduct. The CCRB determined that he was to receive instructions and the

- NYPD did not impose any discipline.
 - CCRB Case No. 202004172 involved allegations of force (physical force) that is currently still open.
- Lieutenant Dym has been a member of service for seventeen years and this is the thirtieth case and one hundred and thirteenth allegation for which he has been a subject.
 - CCRB Case No. 201804541 involved allegations of force (physical force) that was unsubstantiated, abuse of authority (refusal to provide name) that was unsubstantiated and (threat of arrest) that was exonerated, discourtesy (word) that was substantiated and command discipline A was recommended and instructions were imposed, discourtesy (word) that was unsubstantiated, and offensive language (gender) that was unsubstantiated.
 - CCRB Case No. 201810625 involved allegations of abuse of authority (entry of premises) that was exonerated, abuse of authority (property damage) that was substantiated and recommended formalized training and instructions were imposed, and discourtesy (action) that was substantiated and recommended formalized training and instructions were imposed.
 - CCRB Case No. 201900061 involved allegations of force (physical force) that was unsubstantiated, and abuse of authority (entry of premises) that was substantiated, and command level instructions were recommended, and formalized training was imposed.
 - CCRB Case No. 201902457 involved allegations of force (physical force, restricted breathing, body cavity searches) that were all substantiated and went to charges, abuse of authority (stop) that was unsubstantiated, and abuse of authority (strip search) that was substantiated and went to charges. He was also cited for other misconduct for failing to document a strip search.
 - CCRB Case No. 201903287 involved allegations of abuse of authority (frisk, retaliatory summons, stop) that were substantiated and went to charges, abuse of authority (search of person, threat of removal to hospital) that were unsubstantiated, and discourtesy (word) that was unsubstantiated. § 87(2)(g), § 87(4-b)
 - CCRB Case No. 201903682 involved allegations of abuse of authority (interference with recording, retaliatory summons) that were substantiated and recommended command discipline B, abuse of authority (stop) that was closed as victim unidentified, and abuse of authority (threat of removal to hospital) that was unsubstantiated.
- Sergeant Counihan has been a member of service for eight years and this is the seventh case and twentieth allegation for which he has been a subject. None of these allegations were substantiated § 87(2)(g)
- PO Migliaccio has been a member of service for three years and this is the seventh case and twenty-third allegation for which he has been a subject. All these cases are currently still open. § 87(2)(g)
- PO Stevens has been a member of service for sixteen years and this is the fourth CCRB case and the fifth allegation for which he has been a subject. None of these allegations were substantiated § 87(2)(g)
- PO Centore has been a member of service for sixteen years and this is the twenty-second case and fourth allegation for which he has been a subject. None of these allegations were substantiated § 87(2)(g)
- PO McCloud has been a member of service for eight years and this is the ninth case and

twenty-second charge for which he has been a subject. § 87(2)(g)

- o CCRB Case No. 201701649 involved allegations of abuse of authority (frisk, search of person) that were substantiated, recommended command level instructions, and formalized training was imposed.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a notice of Claim with the City of New York claiming damages for physical and emotional pain and suffering, compensation for any medical expenses incurred or yet to be incurred, damages for economic harm including transportation costs, and punitive damages for violations of the NYPD and of New York State court and federal court rulings. He is seeking \$500,000 as redress (**Board Review 46**). There is no 50H hearing scheduled.
- § 87(2)(b) filed a Notice of Claim (**Board Review 84 and 85**) alleging excessive force resulting in injuries causing a laceration to his head requiring staples, a broken right wrist, and traumatic injury to his knee.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 10

Investigator: Jackie Manginelli Inv. Jackie Manginelli 06/17/2021
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 10/21/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date